

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL REYES-VILLANUEVA,  
Plaintiff,  
v.  
TYSON POGUE, *et al.*,  
DEFENDANTS.

Case No. 1:24-cv-00493-JLT-EPG (PC)  
ORDER STAYING CASE AS TO WELLPATH  
DEFENDANTS  
(ECF No. 23)

Plaintiff Michael Reyes-Villanueva proceeds *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. This case proceeds on Plaintiff's claims against (1) Defendants Dr. Gustavenson, Nurse Debbie, RN Michelle, RN Eva, RN Khloe, RN Maria, RN Victoria, and RN Kristen (the Wellpath Defendants) for violating his right to adequate medical care under the Fourteenth Amendment; and (2) Defendant Pogue for violating his right to safety under the Fourteenth Amendment. (ECF No. 20).

This matter is before the Court on the Wellpath Defendants suggestion of bankruptcy and notice of stay. (ECF No. 23). Attached to the filing are a bankruptcy petition and a stay order in the underlying bankruptcy case. This filing notes that Wellpath, LLC—the employer of the Wellpath Defendants—filed a bankruptcy petition on November 11, 2024 in the United States Bankruptcy Court for the Southern District of Texas (Houston Division), Case No. 24-90533-(ARP). “The filing of a bankruptcy petition creates a bankruptcy estate, which is protected by an automatic stay of actions by all entities to collect or recover on claims.” *Burton v. Infinity Cap.*

1 *Mgmt.*, 862 F.3d 740, 746 (9th Cir. 2017) (citing 11 U.S.C § 362(a)). Accordingly, this matter  
2 will be stayed as to the Wellpath Defendants.

3 Based on the foregoing, **IT IS ORDERED** that:

- 4 1. Plaintiff's claims against the Wellpath Defendants are **STAYED**. *See* 11 U.S.C. § 362.
- 5 2. The Wellpath Defendants shall file a status report within 90 days of the date of this  
6 order, and every ninety days thereafter, to advise the Court of the status of the  
7 bankruptcy proceedings.
- 8 3. Additionally, the Wellpath Defendants shall file a status report within 7 days of the  
9 termination of the bankruptcy proceedings.
- 10 4. Plaintiff may file a motion to lift the stay as to the Wellpath Defendants if he  
11 concludes that such a request would be properly supported.
- 12 5. If Defendant Pogue believes that this case should also be stayed as to him, he is  
13 permitted to file an appropriate motion.

14 IT IS SO ORDERED.

15 Dated: **February 27, 2025**

16 /s/ Eric P. Shoup  
17 UNITED STATES MAGISTRATE JUDGE  
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